

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 24, 2009 at 8:05
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Deborah Kottel, Vice Chairman (D)

Members Absent: Rep. David Howard (R)

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 661, 3/20/2009

Executive Action: SB 468, SB 497, SB 476

HEARING ON HB 661

Opening Statement by Sponsor:

00:01:26 Rep. Joel Boniek (R), HD 61, opened the hearing on
HB 661, Revise abortion laws.

00:05:35 Chairman Stoker

Proponents' Testimony:

00:06:24 Greg Trude, Executive Director, Right to Life of
Montana

EXHIBIT(juh65a01)

00:07:56 Mary Beth Adams, family nurse practitioner, Belgrade,
Montana

00:11:06 B.G. Stumburg, pastor, Canyon Ferry Road Baptist Church

00:12:38 Harris Himes, pastor, Big Sky Christian Center

00:14:05 Moe Wosepka, Executive Director, Montana Catholic
Conference

00:14:54 Carol Cobb

00:15:39 Eleanor Schieffelin

00:16:41 Jeanne Bennett

00:18:21 Timothy Bowers

00:19:08 Jeff Laszloffy, Montana Family Foundation

00:20:36 Diane O'Brian

00:21:56 Edward Soady, volunteer, Montana Pro-Life Alliance

00:22:50 Dave Cobb

00:26:14 Pat Wagman

Opponents' Testimony:

00:28:23 Stacey Anderson, Planned Parenthood of Montana

00:35:43 Anita Kuennen, Registered Nurse, Executive Director,
Blue Mountain Clinic

EXHIBIT(juh65a02)

00:40:28 Niki Zupanic, American Civil Liberties Union of Montana

00:45:29 Pat Melby, Montana Medical Association

00:47:35 Angie Wagenhals, NARAL Pro-Choice Montana

00:49:17 Jaimee Greer, Montana Human Rights Network

Informational Testimony:

00:49:52 Roy Kemp, Deputy Administrator, Quality Assurance
Division, Department of Health and Human Services

Questions from Committee Members and Responses:

00:50:22 Rep. Warburton

00:50:35 Ms. Zupanic
00:50:36 Rep. Warburton
00:51:01 Ms. Zupanic
00:51:45 Rep. Warburton
00:51:54 Ms. Zupanic
00:52:01 Rep. Warburton
00:52:04 Ms. Zupanic
00:52:19 Rep. Ebinger
00:52:51 Ms. Zupanic
00:52:57 Rep. Ebinger
00:53:00 Ms. Zupanic
00:53:05 Rep. Ebinger
00:53:10 Ms. Anderson
00:53:12 Rep. Ebinger
00:53:25 Ms. Anderson
00:53:41 Rep. Ebinger
00:53:44 Ms. Anderson
00:53:52 Rep. Ebinger
00:54:06 Ms. Kuennen
00:54:07 Rep. Ebinger
00:54:15 Ms. Kuennen
00:55:23 Rep. Ebinger
00:55:29 Rep. Sands
00:55:38 Chairman Stoker
00:55:41 Rep. Sands
00:55:53 Mr. Kemp
00:56:36 Rep. Sands
00:56:55 Mr. Kemp
00:57:11 Rep. Sands
00:57:40 Mr. Kemp
00:57:52 Rep. Sands
00:57:55 Rep. Kerns
00:58:15 Mr. Kemp
00:58:25 Rep. Kerns
00:58:41 Mr. Kemp
00:59:45 Rep. Kerns
01:00:00 Mr. Kemp
01:00:18 Rep. Kerns
01:00:22 Rep. More
01:00:31 Ms. Anderson
01:00:33 Rep. More
01:00:42 Ms. Anderson
01:00:47 Rep. More
01:00:51 Ms. Anderson
01:00:54 Rep. More
01:01:01 Ms. Anderson
01:01:05 Rep. More
01:01:07 Ms. Anderson
01:01:16 Rep. More
01:01:29 Ms. Anderson

01:01:52 Rep. More
01:02:00 Ms. Adams
01:02:02 Rep. More
01:02:26 Ms. Adams
01:02:59 Rep. More
01:03:19 Ms. Adams
01:03:37 Rep. More
01:03:52 Rep. Sands
01:04:02 Ms. Anderson
01:04:03 Rep. Sands
01:04:12 Ms. Anderson
01:05:04 Rep. Sands
01:05:22 Ms. Warburton
01:05:27 Chairman Stoker
01:05:31 Ms. Anderson
01:05:55 Chairman Stoker
01:06:06 Rep. Peterson
01:06:13 Chairman Stoker
01:06:18 Mr. Melby
01:06:20 Rep. Peterson
01:06:38 Mr. Melby
01:06:43 Rep. Peterson
01:06:51 Mr. Melby
01:07:01 Rep. Peterson
01:07:15 Mr. Melby
01:07:23 Rep. Peterson
01:07:29 Chairman Stoker
01:07:42 Mr. Melby
01:08:13 Chairman Stoker
01:08:18 Mr. Melby
01:08:22 Chairman Stoker
01:08:41 Mr. Melby
01:08:47 Chairman Stoker
01:09:24 Mr. Melby
01:09:46 Chairman Stoker
01:09:53 Rep. Warburton
01:10:02 Ms. Adams
01:10:05 Rep. Warburton
01:10:21 Ms. Adams
01:10:31 Rep. Warburton
01:10:56 Ms. Adams
01:10:59 Chairman Stoker
01:11:11 Ms. Adams
01:12:04 Chairman Stoker

Closing by Sponsor:

01:12:16 Rep. Boniek
01:17:18 Chairman Stoker

01:17:30 Recess
01:56:46 Reconvene

EXECUTIVE ACTION ON SB 468

01:57:16 **Motion:** Rep. Kerns moved that **SB 468 BE CONCURRED IN.**

01:57:31 Chairman Stoker
EXHIBIT(juh65a03)

01:57:55 **Motion:** Rep. Kerns moved that **SB 468 BE AMENDED** (refer to Exhibit 3).

Discussion:

01:58:04 Chairman Stoker
01:58:16 Mr. Niss
01:59:38 Chairman Stoker
01:59:52 Mr. Niss
02:00:10 Chairman Stoker
02:00:14 Rep. Sands
02:00:36 Mr. Niss
02:03:52 Chairman Stoker
02:04:34 Mr. Niss
02:04:57 Chairman Stoker
02:04:57 Mr. Niss
02:05:00 Chairman Stoker
02:06:22 Mr. Niss
02:06:35 Chairman Stoker
02:06:39 Mr. Niss
02:07:39 Chairman Stoker
02:07:59 Mr. Niss
02:08:31 Chairman Stoker
02:08:34 Rep. Kerns called the question.
02:08:39 Chairman Stoker

02:08:42 **Vote:** Motion that **SB 468 BE AMENDED** (refer to Exhibit 3) carried 17-1 by voice vote with Rep. MacDonald voting no. Rep. Kottel, Rep. Peterson, and Rep. Howard voted by proxy.

02:09:24 **Motion:** Rep. Sands moved that **SB 468 BE CONCURRED IN AS AMENDED.**

Discussion:

02:09:28 Chairman Stoker
02:09:36 Rep. Blewett
02:11:57 Rep. Wagner

02:12:03 Rep. Blewett
02:12:05 Rep. Wagner
02:13:47 Rep. Blewett
02:15:22 Chairman Stoker
02:15:26 Rep. Ebinger
02:15:32 Chairman Stoker
02:15:35 Rep. Wagner
02:16:37 Rep. Kottel joined the meeting.
02:16:51 Rep. Regier
02:17:09 Rep. More
02:19:51 Rep. Sands
02:20:36 Rep. Blewett
02:21:24 Rep. Sands
02:21:45 Rep. Blewett
02:22:04 Rep. Kottel
02:26:13 Rep. Sands called the question.
02:26:16 Rep. Regier
02:26:21 Rep. Kottel
02:26:22 Rep. Regier
02:26:40 Rep. Kottel
02:27:44 Chairman Stoker
02:28:00 Rep. Wagner
02:28:26 Rep. Kottel
02:28:27 Rep. Wagner

02:28:33 **Vote:** Motion that **SB 468 BE CONCURRED IN AS AMENDED** failed 3-15 by roll call vote with Rep. Regier, Rep. Wagner, and Rep. Stoker voting aye. Rep. Peterson and Rep. Howard voted by proxy.

02:29:37 Chairman Stoker

02:29:39 **Motion/Vote:** Rep. Becker moved that **SB 468 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Howard and Rep. Peterson voted by proxy.

02:30:07 Chairman Stoker

EXECUTIVE ACTION ON SB 497

02:30:31 **Motion:** Rep. Kerns moved that **SB 497 BE CONCURRED IN.**

02:30:36 Chairman Stoker
02:30:51 Rep. Ebinger
02:31:16 Chairman Stoker
02:32:24 Rep. Driscoll
02:33:03 Rep. Warburton
02:33:29 Rep. Driscoll

02:33:34 Rep. Kottel
02:35:22 Chairman Stoker
02:35:27 Rep. Warburton
02:36:02 Rep. Wagner
02:36:32 Rep. Menahan
02:37:57 Chairman Stoker
02:38:02 Rep. Ebinger
02:38:16 Rep. More
02:39:39 Rep. Driscoll called the question.
02:39:43 Chairman Stoker

02:40:17 **Vote:** Motion failed 7-11 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Peterson and Rep. Howard voted by proxy.

02:41:10 **Motion/Vote:** Rep. Sands moved that **SB 497 BE TABLED AND THE VOTE REVERSED**. Motion carried 15-3 by voice vote with Rep. Warburton, Rep. Stoker, and Rep. Wagner voting no. Rep. Howard and Rep. Peterson voted by proxy.

02:41:50 Chairman Stoker

EXECUTIVE ACTION ON SB 476

02:41:59 **Motion:** Rep. Kerns moved that **SB 476 BE CONCURRED IN**.

Discussion:

02:42:10 Chairman Stoker
02:42:21 Rep. Menahan
02:45:11 Rep. Sands
02:45:55 Rep. Blewett
02:47:11 Rep. Wagner
02:47:21 Rep. Menahan
02:48:02 Rep. Wagner
02:48:56 Rep. Menahan
02:50:09 Chairman Stoker
02:50:12 Rep. Kerns called the question.

02:50:17 **Vote:** Motion failed 6-12 by roll call vote with Rep. Kottel, Rep. MacDonald, Rep. More, Rep. Ebinger, Rep. Regier, and Rep. Blewett voting aye. Rep. Peterson and Rep. Howard voted by proxy.

02:51:04 **Motion/Vote:** Rep. Sands moved that **SB 476 BE TABLED
AND THE VOTE REVERSED.** Motion carried 17-1 by voice
vote with Rep. Ebinger voting no. Rep. Howard and Rep.
Peterson voted by proxy.

02:51:28 Chairman Stoker

ADJOURNMENT

02:53:07 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh65aad.pdf](#))